

Assigned for all purposes to: Santa Monica Courthouse, Judicial Officer: H. Ford III

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Attorneys for Plaintiff Simone Sah

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

SIMONE SHAH, an individual,

Plaintiff,

vs.

LISA KWON, an individual; and DOES
1 through 50, inclusive,

Defendants.

CASE NO.:

COMPLAINT FOR:

(1) DEFAMATION PER SE;

(2) DEFAMATION PER QUOD;

(3) FALSE LIGHT;

[DEMAND FOR JURY TRIAL]

Plaintiff Simone Shah, by and through her undersigned attorneys, hereby brings this action against Defendants Lisa Kwon and DOES 1 through 50, and by this Complaint alleges as follows:

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over each named Defendant herein because each Defendant resides in the State of California and within the Court's jurisdictional area. The Court has jurisdiction over all causes of action asserted herein pursuant to the California Constitution, Article VI, Section 10.

2. Venue is proper in the County of Los Angeles pursuant to California Code of Civil Procedure Section 395(a) because the injuries giving rise to this lawsuit occurred in the county of Los Angeles.

1 **GENERAL ALLEGATIONS**

2 **PARTIES**

3 3. Plaintiff Simone Shah (“Plaintiff”) is, and was at all times relevant, a resident
4 of Los Angeles County, California. Plaintiff is a real estate investor who owns a number of
5 multi-unit residential properties that Plaintiff rents and/or leases to members of the public.

6 4. Plaintiff is informed and believes and thereon alleges that Defendant Lisa
7 Kwon (“Defendant”) is a resident of Los Angeles County, California and at the pertinent
8 times mentioned in this Complaint purports to be a “writer and reporter with an interest in
9 . . . tenant rights, and local resistance movements against gentrification and
10 displacement.”

11 5. On information and belief, Plaintiff alleges that each and every defendant
12 acted as the agent, representative and/or employee of every other defendant in the actions
13 alleged herein.

14 6. Plaintiff is unaware of the true names and capacities of Defendants DOES 1
15 through 50 and, therefore, sues those parties by such fictitious names. When their true
16 names and capacities are ascertained, Plaintiff will amend this complaint by inserting their
17 true names and capacities herein. Plaintiff is informed and believes and alleges that each
18 of the fictitiously named defendants is responsible in some manner for the occurrences
19 alleged in this complaint, that Plaintiff’s damages as alleged in this Complaint were
20 proximately caused by those defendants, and that each such defendant was the agent
21 and/or employee of every other defendant.

22 **FACTUAL BACKGROUND**

23 7. Plaintiff owns a number of multi-unit residential properties that Plaintiff
24 rents and/or leases to long-term tenants. In addition, Plaintiff owns one hotel in Los
25 Angeles that legally rents rooms on a short-term basis.

26 8. On April 25, 2021, Defendant published an article entitled, “Airbnbs in Los
27 Angeles Are Not Going Away” on a website called Knock LA (the “Article”).¹ The
28

¹ The article can be found at <https://knock-la.com/report-illegal-airbnb-los-angeles/>.

1 subtitle immediately below states, “Here's how to — and why you should — fight against
2 illegal Airbnbs in your neighborhood.”

3 9. Knock LA describes itself as “a nonprofit community journalism project . . .
4 dedicated to providing independent journalism and telling the real story of LA.” At the
5 end of the Article, Knock LA provided the following disclaimer:

6 Pieces published under Knock LA’s “Activism” vertical represent the
7 views and opinions of the organizations and activists who write them, not
8 necessarily Knock LA. Pieces in this vertical are sometimes republished in
collaboration with other sources. Knock LA does not typically compensate
writers or organizations for “Activism” pieces.

9 10. While the article purports to be about “illegal Airbnbs” in Los Angeles
10 neighborhoods, the article is in fact a dedicated smear campaign written to cast Plaintiff in
11 a false light and contains numerous false statements about Plaintiff and her business that
12 have nothing to do with illegal Airbnbs in Los Angeles. Approximately half of the article
13 is dedicated to making false statements about Plaintiff and how she purportedly treats her
14 tenants, none of which have anything to do with the purported subject of the Article,
15 illegal Airbnbs in Los Angeles.

16 11. The article contains numerous false statements about Plaintiff, including the
17 following:

18 a. “A renter in one building discovered that she had compromised the privacy
19 and physical safety of each tenant, as every one of their doors had the same lock.”

20 b. “Shah and others take a multipronged approach to maximizing profits,
21 which means ignoring tenant requests, delaying repairs to maintain uninhabitable
22 conditions, hiring lawyers to send intimidating letters as a means of pressuring
23 them out, and turning what used to be long-term housing into Airbnbs for tourists.
24 These violations will only increase if we don’t do something about them now.”

25 c. “Prior to signing, Simone had never disclosed to them that any of the units
26 in the building were being rented out as Airbnbs. Yvette eventually found out when
27 a friend discovered that she was not able to rent an available unit because Simone
28 told her it’s being used to host guests.”

1 d. “The proof was glaring: her landlord is not interested in creating a habitable
2 place for renters.”

3 e. “Many of Shah’s Airbnb hotels are listed on Locks On My Block’s map”

4 f. “Several of Shah’s tenants have anonymously reported different ways that
5 she has harassed them or their neighbors . . . all while vacated units are being
6 spruced up for short-term renters.”

7 g. “Meanwhile Brett is still waiting for things inside his own unit to be fixed.
8 For now, he is one of the last long-term tenants left in his apartment building. The
9 rest of the units either lie vacant or welcome a steady flow of Airbnb guests.”

10 h. For every Shah who paints herself as a good “real estate investor,” there are
11 plenty of renters who have been subject to the actions of anyone but. There is no
12 such thing as an “ambivalent landlord” as long as anyone is scaring people out of
13 their homes to rake in profit. Anyone who is hoarding residential units is making a
14 clear statement that they are in the business of hurting people and gutting our
15 communities.

16 12. Out of the thousands of landlords and real estate investors in the county of
17 Los Angeles, Plaintiff is the only landlord or real estate investor mentioned by name in the
18 article by name. As a result, there are a number of statements that a reasonable person
19 would think were about Plaintiff, including, but not limited to:

20 a. “Los Angeles turns a blind eye to landlords who set up Airbnbs; this is
21 particularly concerning when they fly under the radar with illegally-operated ones
22 – a practice that is almost guaranteed to increase because of the Airbnb-Olympics
23 deal.”

24 b. “Because the City abets speculative real estate, corporate and “mom and
25 pop” landlords have made it a common practice to flip residential units into short-
26 term rentals”

27 c. “landlords have figured out that the most profitable Airbnbs are the ones
28 that sit completely empty when not used by tourists. This incentivizes landlords

1 and leasing companies to displace long-term tenants so that the units are always
2 vacant.”

3 d. “In this pursuit of easy money, landlords are exacerbating the city’s
4 homelessness crisis by converting homes into backdoor hotels.”

5 13. Defendant and DOES 1 through 50 took no action to confirm whether any
6 of the above statements were in fact true, including conferring with Plaintiff. Moreover
7 Defendant and DOES 1 through 50 could have no reasonable belief that the above
8 statements were true without attempting to verify the truth and accuracy of the statements.

9 14. Not long after the Article was published on Knock LA’s website, Plaintiff
10 and her young children began receiving death threats and threats of physical violence
11 against them. Because of the Article, Plaintiff has been called the devil, a vulture, that she
12 would be violently ejected back to where she came from (Plaintiff is of South Asian
13 decent), Plaintiff was told she was in someone’s “cross hairs,” and was called a number of
14 different racist names.

15 15. More disturbing is that unidentified individuals obtained Plaintiff’s home
16 phone number and left threatening and harassing messages on Plaintiff’s answering
17 machine. Because Plaintiff’s young children were not in school during this time,
18 Plaintiff’s children heard the disturbing threats and harassing phone calls. After Plaintiff’s
19 six year-old answered one phone call, Plaintiff was asked what a pistol was. Her children
20 began drawing escape routes out of their house *“in case they come for us.”*

21 16. Plaintiff contacted Knock LA’s editors seeking a retraction of the article.
22 Knock LA refused to take any action to correct the false statements doubling down by
23 claiming all of the information in the Article was true.

24 **FIRST CAUSE OF ACTION**

25 **(Defamation Per Se [Civil Code §§ 45(a), 46] against Defendant**
26 **and DOES 1 through 50)**

27 17. Plaintiff realleges and incorporates by reference paragraphs 1 through 16 of
28 this Complaint as though fully set forth herein.

1 18. In acting or failing to act as described above, Defendant and DOES 1
2 through 50, in written text, made defamatory statements about Plaintiff online by
3 publishing the Article on the Knock LA website, including without limitation:

4 “A renter in one building discovered that she had compromised the privacy and
5 physical safety of each tenant, as every one of their doors had the same lock.”

6 b. “Shah and others take a multipronged approach to maximizing profits,
7 which means ignoring tenant requests, delaying repairs to maintain uninhabitable
8 conditions, hiring lawyers to send intimidating letters as a means of pressuring
9 them out, and turning what used to be long-term housing into Airbnbs for tourists.
10 These violations will only increase if we don’t do something about them now.”

11 c. “Prior to signing, Simone had never disclosed to them that any of the units
12 in the building were being rented out as Airbnbs. Yvette eventually found out when
13 a friend discovered that she was not able to rent an available unit because Simone
14 told her it’s being used to host guests.”

15 d. “The proof was glaring: her landlord is not interested in creating a habitable
16 place for renters.”

17 e. “Many of Shah’s Airbnb hotels are listed on Locks On My Block’s map”

18 f. “Several of Shah’s tenants have anonymously reported different ways that
19 she has harassed them or their neighbors . . . all while vacated units are being
20 spruced up for short-term renters.”

21 g. “Meanwhile Brett is still waiting for things inside his own unit to be fixed.
22 For now, he is one of the last long-term tenants left in his apartment building. The
23 rest of the units either lie vacant or welcome a steady flow of Airbnb guests.”

24 h. For every Shah who paints herself as a good “real estate investor,” there are
25 plenty of renters who have been subject to the actions of anyone but. There is no
26 such thing as an “ambivalent landlord” as long as anyone is scaring people out of
27 their homes to rake in profit. Anyone who is hoarding residential units is making a
28 clear statement that they are in the business of hurting people and gutting our

1 communities.

2 19. Out of the thousands of landlords and real estate investors in the county of
3 Los Angeles, Plaintiff is the only landlord or real estate investor mentioned by name in the
4 article by name. As a result, there are a number of statements that a reasonable person
5 would think were about Plaintiff, including, but not limited to:

6 a. “Los Angeles turns a blind eye to landlords who set up Airbnbs; this is
7 particularly concerning when they fly under the radar with illegally-operated ones
8 – a practice that is almost guaranteed to increase because of the Airbnb-Olympics
9 deal.”

10 b. “Because the City abets speculative real estate, corporate and “mom and
11 pop” landlords have made it a common practice to flip residential units into short-
12 term rentals”

13 c. “landlords have figured out that the most profitable Airbnbs are the ones
14 that sit completely empty when not used by tourists. This incentivizes landlords
15 and leasing companies to displace long-term tenants so that the units are always
16 vacant.”

17 d. “In this pursuit of easy money, landlords are exacerbating the city’s
18 homelessness crisis by converting homes into backdoor hotels.”

19 20. Upon information and belief, these defamatory statements have been
20 reviewed by Plaintiff’s clients, vendors, contracting parties, tenants, and customers, and
21 they reasonably understood that the above statements and article were about Plaintiff.

22 21. Furthermore, Plaintiff’s clients, vendors, contracting parties, tenants, and
23 customers reasonably understood the above statements to mean that Plaintiff mistreats her
24 tenants, seeks to create uninhabitable premises and to force out her long-term tenants.
25 Moreover, the above statements tend directly to injure Plaintiff in respect to her business
26 as a real estate investor, on behalf of herself and Dwell Management, by imputing to her
27 that she mistreats her tenants, seeks to force out long-term tenants in favor of making
28 short to rentals through Airbnb, and by imputing something with reference to her business

1 that has a natural tendency to lessen profits.

2 22. Plaintiff alleges upon information and belief that Defendant and DOES 1
3 through 50 maliciously, recklessly, and negligently made the above statements and
4 published the Article without using reasonable care to determine the truth or falsity of the
5 statements in the article. More importantly, the above-referenced representations are (and
6 were) demonstrably false. In fact, Plaintiff further alleges that Defendant and DOES 1
7 through 50 knew the statements in the article were (and are) false, and acted with malice,
8 oppression, and fraud in that regard.

9 23. In acting or failing to act as described above, Defendant and DOES 1
10 through 50's conduct was a substantial factor in causing harm to Shah's real estate
11 investing business, her finances, and her reputation. Further, Plaintiff has suffered shame,
12 mortification, and hurt feelings, and the statements in the article in part resulted in
13 significant financial damages in the form of lost income. Moreover, as a result of the false
14 statements in the article, Plaintiff and her children suffered threats of death and physical
15 violence. The threats of death and physical violence have traumatized and permanently
16 scarred Plaintiff's children who now constantly live in fear that the referenced threats will
17 be carried out. Upon information and belief, Defendant and DOES 1 through 50's
18 defamatory statements were not privileged.

19 24. As a direct and proximate result of the wrongful actions and inactions of
20 Defendant and DOES 1 through 50, Plaintiff alleges upon information and belief that she
21 has been damaged in at least the sum of \$250,000, with the exact amount to be proven at
22 time of trial.

23 25. In acting or failing to act as described above, Defendant and DOES 1
24 through 50 acted with oppression, fraud, and malice, and thus Plaintiff is entitled to an
25 award of punitive damages for the sake of example and by way of punishment.

26 **SECOND CAUSE OF ACTION**

27 **(Defamation Per Quod Against Defendant and DOES 1 through 50)**

28 26. Plaintiff realleges and incorporates by reference paragraphs 1 through 16 of

1 this Complaint as though fully set forth herein.

2 27. In acting or failing to act as described above, Defendant and DOES 1
3 through 50, in written text, made defamatory statements about Plaintiff online by
4 publishing an article on the Knock LA website, including without limitation:

5 “A renter in one building discovered that she had compromised the privacy and
6 physical safety of each tenant, as every one of their doors had the same lock.”

7 b. “Shah and others take a multipronged approach to maximizing profits,
8 which means ignoring tenant requests, delaying repairs to maintain uninhabitable
9 conditions, hiring lawyers to send intimidating letters as a means of pressuring
10 them out, and turning what used to be long-term housing into Airbnbs for tourists.
11 These violations will only increase if we don’t do something about them now.”

12 c. “Prior to signing, Simone had never disclosed to them that any of the units
13 in the building were being rented out as Airbnbs. Yvette eventually found out when
14 a friend discovered that she was not able to rent an available unit because Simone
15 told her it’s being used to host guests.”

16 d. “The proof was glaring: her landlord is not interested in creating a habitable
17 place for renters.”

18 e. “Many of Shah’s Airbnb hotels are listed on Locks On My Block’s map”

19 f. “Several of Shah’s tenants have anonymously reported different ways that
20 she has harassed them or their neighbors . . . all while vacated units are being
21 spruced up for short-term renters.”

22 g. “Meanwhile Brett is still waiting for things inside his own unit to be fixed.
23 For now, he is one of the last long-term tenants left in his apartment building. The
24 rest of the units either lie vacant or welcome a steady flow of Airbnb guests.”

25 h. For every Shah who paints herself as a good “real estate investor,” there are
26 plenty of renters who have been subject to the actions of anyone but. There is no
27 such thing as an “ambivalent landlord” as long as anyone is scaring people out of
28 their homes to rake in profit. Anyone who is hoarding residential units is making a

1 clear statement that they are in the business of hurting people and gutting our
2 communities.

3 28. Out of the thousands of landlords and real estate investors in the county of
4 Los Angeles, Plaintiff is the only landlord or real estate investor mentioned by name in the
5 article by name. As a result, there are a number of statements that a reasonable person
6 would think were about Plaintiff, including, but not limited to:

7 a. “Los Angeles turns a blind eye to landlords who set up Airbnbs; this is
8 particularly concerning when they fly under the radar with illegally-operated ones
9 – a practice that is almost guaranteed to increase because of the Airbnb-Olympics
10 deal.”

11 b. “Because the City abets speculative real estate, corporate and “mom and
12 pop” landlords have made it a common practice to flip residential units into short-
13 term rentals”

14 c. “landlords have figured out that the most profitable Airbnbs are the ones
15 that sit completely empty when not used by tourists. This incentivizes landlords
16 and leasing companies to displace long-term tenants so that the units are always
17 vacant.”

18 d. “In this pursuit of easy money, landlords are exacerbating the city’s
19 homelessness crisis by converting homes into backdoor hotels.”

20 29. Upon information and belief, these defamatory statements in the Article have
21 been reviewed by Plaintiffs’ clients, vendors, contracting parties, tenants, and customers
22 online, and they reasonably understood that the above statements in the Article were about
23 Plaintiff.

24 30. Given the surrounding circumstances, the statements tended to injure
25 Plaintiffs in her business as a real estate investor. As discussed above, Plaintiff’s real estate
26 business involves leasing long-term rentals in multi-unit residential properties and one
27 hotel. These statements in the Article were made publicly online where Plaintiffs’ clients,
28 vendors, contracting parties, tenants and customers review them, exposed Plaintiff to hatred,

1 contempt, ridicule and shame, and operated to discourage these individuals from associating
2 or dealing with Plaintiff. Furthermore, the Article caused Plaintiff's young children to be
3 subjected to harassment and threats.

4 31. Plaintiff alleges upon information and belief that Defendant and DOES 1
5 through 50 maliciously, recklessly, and negligently made the above statements without
6 using reasonable care to determine the truth or falsity of the statements. More importantly,
7 the above-referenced statements are (and were) demonstrably false. In fact, Plaintiff further
8 alleges that Defendant knew the statements were (and are) false, and acted with malice,
9 oppression, and fraud in that regard.

10 32. In acting or failing to act as described above, Defendant and DOES 1 through
11 50's conduct was a substantial factor in causing harm to Shah's real estate investing
12 business, her finances, and her reputation. Further, Plaintiff has suffered shame,
13 mortification, and hurt feelings, and the statements in the article in part resulted in
14 significant financial damages in the form of lost income. Moreover, as a result of the false
15 statements in the article, Plaintiff and her children suffered threats of death and physical
16 violence. The threats of death and physical violence have traumatized and permanently
17 scarred Plaintiff's children who now constantly live in fear that the referenced threats will
18 be carried out. Upon information and belief, Defendant and DOES 1 through 50's
19 defamatory statements were not privileged.

20 33. As a direct and proximate result of the wrongful actions and inactions of
21 Defendant and DOES 1 through 50, Plaintiff alleges upon information and belief that she
22 has been damaged in at least the sum of \$250,000.00, with the exact amount to be proven
23 at time of trial.

24 34. In acting or failing to act as described above, Defendant and DOES 1
25 through 50 acted with oppression, fraud, and malice, and thus Plaintiff is entitled to an
26 award of punitive damages for the sake of example and by way of punishment.

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1 through 50 acted with oppression, fraud, and malice, and thus Plaintiff is entitled to an
2 award of punitive damages for the sake of example and by way of punishment.

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4 WHEREFORE, Plaintiff prays for judgment against Defendant and DOES 1
5 through 50, and each of them, as follows:

6 **As to the First Cause of Action**

7 1. For Plaintiff's general, special, and/or compensatory damages, Plaintiffs'
8 lost profits and Plaintiff's emotional distress and reputational damage in at least the sum
9 of \$250,000.00;

10 2. For punitive damages according to proof; and

11 3. For Plaintiff's costs of suit incurred in this action, and attorneys' fees as
12 allowed by law.

13 **As to the Second Cause of Action**

14 1. For Plaintiff's general, special, and/or compensatory damages, Plaintiffs'
15 lost profits and Plaintiff's emotional distress and reputational damage in at least the sum
16 of \$250,000.00;

17 2. For punitive damages according to proof; and

18 3. For Plaintiff's costs of suit incurred in this action, and attorneys' fees as
19 allowed by law.

20 **As to the Third Cause of Action**

21 1. For Plaintiff's general, special, and/or compensatory damages, Plaintiffs'
22 lost profits and Plaintiff's emotional distress and reputational damage in at least the sum
23 of \$250,000.00;

24 2. For punitive damages according to proof; and

25 3. For Plaintiff's costs of suit incurred in this action, and attorneys' fees as
26 allowed by law.

27 **As to All Causes of Action**

28 1. For injunctive relief enjoining Defendant from continuing to defame and

1 interfere with Plaintiff and her real estate investing business;

2 2. For pre-judgment interest at the maximum legal rate in an amount to be
3 proven at time of trial; and

4 3. For such other and further relief as the court deems just and proper.

5
6 Dated: April 25, 2022

DAVIS LAW GROUP,
A Professional Law Corporation

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8 By: /s/ D. Jason Davis
D. Jason Davis
9 Attorneys for Plaintiff Simone Shah

10 **REQUEST FOR JURY TRIAL**

11 Plaintiff Simone Shah hereby demands a trial by jury on all issues.

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13 Dated: April 25, 2022

DAVIS LAW GROUP,
A Professional Law Corporation

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15 By: /s/ D. Jason Davis
D. Jason Davis
16 Attorneys for Plaintiff Simone Shah
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